

## REMARKS

Claims 27-28 and 38-56 currently remain in the application. Claims 27, 40, 41, 46, 47, 49, 52 and 53 have been amended for the purposes of clarification.

Applicant believes the claim amendments add no new matter. Support for the claims can be found at least with respect to page 1:13-20, page 5:1-19, page 6:23-32, description of FIG. 1 (e.g., page 9: 25- page 10:7) and page 20 of the application as filed

### *Interview Summary*

The applicant respectfully thanks the Examiner for the time spent during the personal interview on July 10, 2006. During the interview, the prior art references of Vuong, and Ng and proposed amendments were discussed.

### *Rejections under 35 U.S.C. § 103(a)*

The examiner rejected claims 27-28, 38-40, 42, 45-51, 53 and 58 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Vuong et al., U.S Patent 5,762, 552 in view of Ng. The Examiner stated that the rejection contained in the previous office action is maintained and incorporated herein.

Examiner states Vuong discloses a wagering type of game but does not disclose that the information downloaded is software. Further, Vuong teaches “Specifically, when a player initiates a session on one of the game machines, network manager 40 provides status information regarding the active game tables 12 and manages login and logout activity at each game machine (Col. 8:7-10).” During a connection phase 76 on a gaming machine, “the user must select from a menu of available gaming tables or gaming machines, currently available to act as a game server.” The network manager 40 establishes a player’s stake and manages wagers. The gaming machine 114 receives video and audio information over a video link 58 to present the game generated at the gaming table or gaming machine (Col. 9:5-26).

In regards to game serving, Voung recites,

“In yet another preferred embodiment, a plurality of gaming machines are connected to the network manager and adapted such that a player at one of the gaming machines may play against players at other gaming machines. In this embodiment, one of the gaming machines connected to the network is designated as the game server, that is, as the source of the outcome of each play of the selected game of chance rather than the broadcast of a live action gaming table. After the outcome is generated by the game server, it is transmitted to the network

manager which determines winning and losing bets (Col 4:8-19).” Further, “the game server generates the outcome of each play of the selected game.”

Thus, Vong does not teach or suggest as recited in the pending claims, “wherein the first game is selected from a list of games displayed on the first gaming machine and wherein a play of at least the first game in the list games is only enabled after a download of the executable coding instructions for the first game from the second gaming machine wherein the executable coding instructions allow the first master gaming controller to determine a game outcome for the first game in response to inputs made at the first gaming machine by a player including a wager on the game outcome” or “in response to receiving the game selection signal for the first game, transmitting information requesting the download of the executable coding instructions for the first game to the second gaming machine” In Vong, the user selects from a menu of active table games or gaming machine. In this mode, the game outcomes are always generated remotely and not locally at the gaming machine where the selection is made.

Since Vong doesn’t describe a list games or downloading of coding instructions, Vong can’t be said to teach or suggest “wherein the first game is selected from a list of games displayed on the first gaming machine and wherein a play of at least the first game in the list games is only enabled after a download of the executable coding instructions for the first game from the second gaming machine.” Further, in Vong, the game outcomes are generated remotely and not at the gaming machine where the game is played, thus, Vong doesn’t teach or suggest a download of coding “wherein the executable coding instructions allow the first master gaming controller to determine a game outcome for the first game in response to inputs made at the first gaming machine by a player.” In addition, since downloading of coding instructions doesn’t occur and is not needed because the game outcome is generated remotely, Vong doesn’t teach or suggest “in response to receiving the game selection signal for the first game, transmitting information requesting the download of the executable coding instructions for the first game to the second gaming machine.”

Examiner relies on Ng to teach to downloading of software between to two gaming machines. Ng describes hand-held gaming devices with limited gaming capabilities that can interact with one another. Applicant believes Ng is a “dubious” piece of prior art for the following reasons. First, Ng makes no mention of gaming machines that provide wager-based gaming. Second, as is described as follows, it is not clear that Ng even teaches downloading of game software as cited in the response to the previous office action and noted in Examiner’s response. Applicant believes Ng describes downloading software configuration parameters but not new executable code to the hand-held devices described in Ng. Third, hand-held devices at

the time of the filing this application were illegal for the purposes of playing a wager based game of chance. Fourth, the EEPROM storage method described in Ng is too slow and too limited to download large coding instruction sets. In the present application, it is mentioned that one of the advantages of the present invention is a possible decrease in download times because software is transferred between gaming machines rather than from a remote server to the gaming machine. Fifth, Ng describes a portable hand-device and each time remote communication is desired the device must be manually connected via a cable to a remote device. A manual connection scheme wouldn't work with the present invention. Sixth, Ng doesn't teach or suggest downloading between two gaming machines as recited in the pending claims but teaches a download of information between a hand-held gaming device and a central server.

In regards to the combination of Vuong and Ng, Ng's limited description of information transfer doesn't overcome the deficiencies of Vuong related to the downloading of coding instructions. For example, because neither reference describes displaying a list of games to download and, in particular, downloading of coding instructions for wager-based games, the combination can't be said to teach or suggest that "the first game is selected from a list of games displayed on the first gaming machine and wherein a play of at least the first game in the list of games is only enabled after a download of the executable coding instructions for the first game from the second gaming machine." Further, Vuong teaches away from downloading because the game outcomes are generated remotely when game serving is employed and the local gaming machine simply acts as a dumb terminal.

In addition, the combination of Vuong and Ng, doesn't describe "in response to receiving the game selection signal for the first game, transmitting information requesting the download of the executable coding instructions for the first game to the second gaming machine." Applicant doesn't believe Ng provides any teaching or suggestion to modify Vuong in this manner. Applicant respectfully reminds the Examiner that to establish a prima facie case of obviousness, the Examiner is supposed to recite teachings from the references themselves or what is known to one skilled in the art that suggest a motivation for the modifications proposed by the Examiner. Since Ng makes no mention of wager-based gaming machines and doesn't clearly even teach downloading of coding instructions, in particular, as recited in the pending claims, "executable coding instructions allow the first master gaming controller to determine a game outcome for the first game in response to inputs made at the first gaming machine by a player including a wager on the game outcome," and since Vuong provides no mention of downloading of coding instructions or a need for downloading, Applicant requests the Examiner to cite references in the gaming arts that teach or suggest a motivation for the modifications proposed by the Examiner.

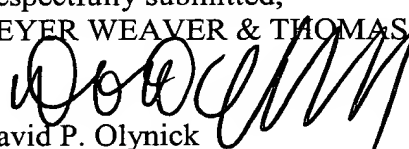
Therefore for at least these reasons, the combination of Vuong and Ng can't be said to render obvious the remaining claims and the rejection is believed overcome thereby.

The examiner rejected claims 41,43, 44, 52, 54 and 55 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Vuong et al., U.S Patent 5,762, 552 in view of Ng in further view of Acres.

Examiner relies on Acres to teach updating of hardware and software settings. These teachings don't overcome the deficiencies described above in regards to the combination of Vuong and Ng. Therefore, for at least the reasons described above, the combination of Vuong, Ng and Acres can't be said to render obvious claims 41,43, 44, 52, 54 and 55 and the rejection is believed overcome thereby.

Applicant believes that all pending claims are allowable and respectfully requests a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

Respectfully submitted,  
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